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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Shinji NAKAMURA**

Group Art Unit: 2811

Serial No.: 10/003,304 ✓

Examiner: NADAV, Ori

Filed: December 6, 2001 ✓

P.T.O. Confirmation No.: 7007

For: **SEMICONDUCTOR MEMORY DEVICE AND METHOD FOR FABRICATING  
THE SAME**

**RESPONSE TO ELECTION OF SPECIES DATED September 15, 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 9, 2003

Sir:

This paper is submitted in response to the Official Action dated September 15, 2003.

Applicant hereby elects the subject matter of Species 6, embodiment of Figs. 30 and 31 for prosecution in this application. Claims 5, 6 and 10-14 correspond to the embodiment shown in Figs. 30 and 31. Applicant submits that claim 5 is a generic claim, which covers claims 7-9. This election is made without traverse, it being understood that the applicant's rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866.

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Serial No. 10/003,304

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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Attorney for Applicant(s)  
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SK/fs

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**38834**  
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